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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,265	03/28/2001	Wolfgang Fraas	P01,0047	6597

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EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2616

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06/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 09/806,265	Applicant(s) FRAAS ET AL.	
	Examiner Kevin Harper	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9 and 11-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,9 and 11-15 is/are allowed.
- 6) ☒ Claim(s) 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed November 9, 2006 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, a new ground(s) of rejection for claims 16-17 is made in view of Lemieux in view of Pasternak.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux (US 6,052,371) in view of Pasternak et al. (US 5,710,756).

1. Regarding claims 16-17, Lemieux discloses a method for transmitting data from communications terminals (fig. 12, items 126; fig. 13, items 146) to a switching system (items 122 or 142) via a packet-oriented network (item 12). The method comprises setting up a data format formed of substructural elements for a data transmission between a switching system and several communication terminals (fig. 3, item 46; col. 7, lines 44-63), and communication terminals being connected to a packet-oriented network via a hub (fig. 12, item 124; fig. 13, item 144) with subscriber interfaces for each of the terminals (fig. 12, item 128; fig. 13, items 146), the switching system being connected to the packet-oriented network via an access unit (item 14) separate from the hub. The method further comprises transmitting data in a form of substructural elements to the hub by the communication terminals (fig. 3, item 46), inserting the substructural elements from several users into common data packets (col. 7, lines 3-18 and lines 48-50), transmitting the data packets to the access unit via the packet-oriented network (col. 7, lines 13-19), extracting the substructural elements from the data packets by the access unit (col. 7, lines 19-28), and forwarding the substructural elements to

Art Unit: 2616

the switching system by the access unit (col. 7, lines 28-30). The substructural elements are AAL packets (col. 5, lines 45-50) that by standard may be AAL-2 packets that include a payload length indicator value in the AAL header and a channel identifier and user-to-user indication to associate data with a communication terminal. Further regarding claim 9, the communication is bidirectional (fig. 12).

2. However, Lemieux does not disclose transmitting data by the hub. Pasternak discloses an integrated hub and packet access node (fig. 4, item 41; col. 6, lines 1-7). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the functionality of the access node and concentrator of Lemieux so that substructural elements are inserted into data packets by a hub device in order to provide an integrated device having enhanced functionality as is known in the art (Pasternak, col. 6, lines 2-4).

Allowable Subject Matter

3. Claims 8-9 and 11-15 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the

advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at 571-272-2092. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

June 10, 2007